

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMOND EDWARD STEELE,

Petitioner,

No. CIV S-03-0143 GEB KJM

vs.

DEATH PENALTY CASE

ROBERT L. AYERS, Jr.,
Warden of San Quentin
State Prison,

Respondent.

ORDER

Petitioner seeks leave of court to file his motion to strike. Respondent states that he does not consider petitioner's motion belated and asks that petitioner be required to notice it.

Based on respondent's lack of opposition, and good cause appearing, IT IS
HEREBY ORDERED as follows:

1. Petitioner's August 19, 2008 Motion to Consider Belated Motion to Strike is granted.

2. Within five days of the filed date of this order, petitioner shall notice his motion to strike pursuant to Local Rule 78-230(b).

DATED: September 18, 2008.


U.S. MAGISTRATE JUDGE